



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Acting Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2205529

**Applicant Name:** Lisa Kirkendall AIA for Robert & Lisa Wahbe

**Address of Proposal:** 900 39<sup>th</sup> Ave E

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for the future construction of a two-story single family residence with a 1,600 sq. ft. partial basement and attached garage in an environmentally critical area. The project includes 968 cubic yards of grading (cut and fill). Project also includes future demolition of existing single family residence.

The following approval is required:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:**      ☐ Exempt   ☒ DNS   ☐ MDNS   ☐ EIS

☐ DNS with conditions

☐ DNS involving non exempt grading or demolition  
   or involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site Location:** 900 39<sup>th</sup> Ave E

**Zoning:** SF7200

**Parcel Size:** 14,666 SF

**Existing Use:** Residential

**Zoning in Vicinity:** SF 7200

**Uses in Vicinity:** Residential

### Proposal Description

The proposal is to construct a two-story single family residence with a 1,600 sq. ft. partial basement and attached garage in an environmentally critical area. The project also includes 968 cubic yards of grading (cut and fill) and the future demolition of the existing single family residence

### Public Comment

One public comment letter was received during the comment period which ended on November 27, 2002. The commenter was concerned about potential impacts to the steep slope and adjacent properties, loss of views, and impacts from temporary construction activities.

### ANALYSIS - SEPA

The proposal site is located in a landslide-prone critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 6, 2002. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Design, Construction and Land Use has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

### Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use; 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas, and 4) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

### Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Geotech Consultants, Inc. dated August 16, 2002. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DCLU. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); and the Regulations for Environmentally Critical Areas.

**DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

Signature: \_\_\_\_\_ (signature on file) Date: March 10, 2003  
Robert Knable, Site Development Planner  
Land Use Services  
Department of Design, Construction and Land Use